

Applicants : Erik K. Hamilton, Joseph S. Kromkowski and Todd Schumtzler
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Remarks:

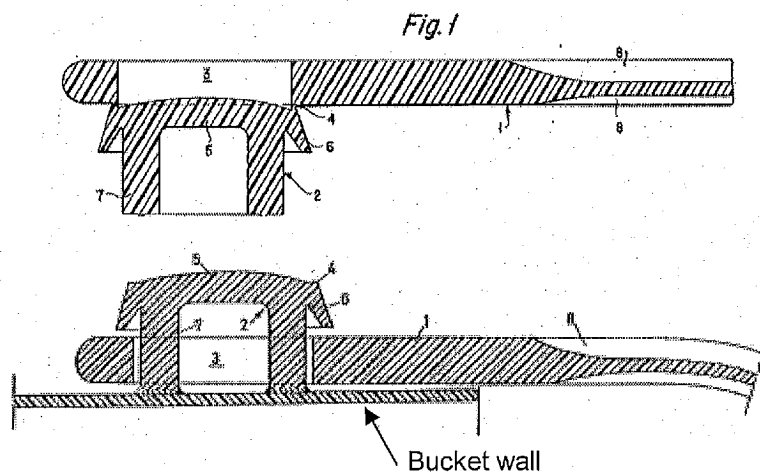
The amendments and remarks presented herein are believed to be fully responsive to the Final Office Action dated September 14, 2010. Claims 1-11 and 21-38 are pending in the application.

CLAIM REJECTIONS

Claims 1-6 rejected under 35 U.S.C. §102(b) as being anticipated by Jorgensen, U.S. Patent No. 4,507,821, while claims 7, 9-11 and 33-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jorgensen, and claims 8 and 21-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jorgensen, in view of Kubota et al., U.S. Patent Publication No. 2001/0004055 ("Kubota").

Applicants respectfully traverse the rejections under 35 U.S.C. §102 and §103 for at least the reasons set forth below.

Jorgensen discloses a *plastic handle assembly for a bucket*, and does not disclose or suggest a locking device as claimed herein. The plastic bucket handle assembly of Jorgensen, such as shown in Figures 1 and 4 of Jorgensen (reproduced to the right), includes a fastening knob 2 that is integrally molded with a plastic handle portion 1, with the knob 2 being joined or formed with the handle portion 1 via one or more fins 4. As can be seen with reference to Figure 4 of Jorgensen, the fastening knob 2 is attached (such as via ultrasonic welding) to a wall of a bucket, and then the handle portion 1 is pressed toward the bucket, whereby the connecting fins 4 break to allow the handle portion to slide over the skirt-like flange 6 so that the handle portion is disposed at shank 7 of knob 2, with the shank 7 received through the hole 3 in handle portion 1. Thus, the handle portion 1 is



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pivotaly attached to the bucket via the knob 2 (welded to the bucket wall), and removal of the handle portion is limited via the welding of the knob to the bucket and the flared out or skirt-like flange 6.

Clearly, Jorgensen, by its disclosure of a plastic handle assembly for a bucket, does not disclose or suggest a locking device of any type, and, more particularly, clearly does not disclose or suggest a locking device of the type claimed herein. For example, Jorgensen does not disclose a locking device having first and second end pieces joined together via at least one frangible element, with a substantially rigid locking member attached at one end to the first end piece, and with the second end piece being configured to receive a locking portion of the rigid locking member. To the contrary, the ends or knobs of Jorgensen are attached or welded to opposite sides of a bucket and clearly are not configured to lock together via a rigid locking member extending from one of the knobs. Nor does Jorgensen disclose or suggest, for example, that a first axis of a first end piece and a second axis of a second end piece are not aligned with one another when the first and second end pieces are joined via the at least one frangible element, with the frangible element limiting relative movement of first and second end pieces to preclude alignment of the first and second axes when the first and second end pieces are joined. To the contrary, Jorgensen discloses a flexible handle with fastening knobs at either end, whereby the breaking of the fins 4 merely allows for insertion of the knobs 2 through the aperture or hole 3 in the handle portion 1 to pivotaly attach the handle portion to a side of a bucket. The flexible handle portion clearly is flexible enough to allow for alignment of the knobs, as discussed below. Nor does Jorgensen disclose or suggest, for example, alignment of the first and second axes when the frangible element is broken so that the second end piece can receive the locking portion of the locking member of the first end piece to lock the locking device to an object. To the contrary, Jorgensen discloses that the knobs are welded or fixed to a bucket before the fins 4 are broken, and neither knob has or is configured to receive a locking member.

Moreover, in making the rejection, the Office Action does not address several of the limitations of claim 1, including, for example, that the frangible element of the claimed locking device limits relative movement of the first and second end pieces to preclude alignment of the first

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and second axes when the first and second end pieces are joined via the at least one frangible element. Clearly, such an element is not disclosed or suggested in Jorgensen. Jorgensen specifically discloses that the handle portion is flexible, and one of ordinary skill in the art would readily recognize that, for the handle assembly of Jorgensen to be attached to a bucket, the knobs at each end of the handle portion of Jorgensen would have to be properly attached at diametrically opposite locations on the wall of the bucket and, thus, the knobs may be generally axially aligned at opposite sides of the bucket, with the handle curving above the bucket, all before breaking of the fins. In other words, the knobs, when the handle assembly is attached to a bucket, are welded to diametrically opposite wall portions of the bucket, with the axes of the knobs being generally aligned or at least alignable when attaching the handle assembly to the bucket and prior to breaking the fins. To otherwise attach the handle to the bucket would likely not support the bucket in an upright position.

Thus, Jorgensen does not disclose or suggest, and clearly does not anticipate, the presently claimed invention, particularly as set forth in independent claim 1 and in the claims depending there from. Reconsideration and withdrawal of the rejection of claims 1-6 is thus respectfully requested.

With respect to the rejection of claims 7, 9-11 and 33-38 in view of Jorgensen, Applicants submit that Jorgensen does not disclose or suggest or render obvious the claimed invention of these claims for at least the reasons set forth above. The Office Action merely states that it would be obvious for one of ordinary skill in the art to modify the plastic handle assembly for a bucket of Jorgensen to arrive at the locking device of the presently claimed invention. For example, the Office Action, when referring to the "substantially rigid metallic locking member" limitation of claim 33, merely states that it would have been obvious to modify the plastic handle assembly for a bucket of Jorgensen to include such a rigid metallic locking member. Applicants respectfully traverse. As discussed above, Jorgensen merely discloses an integrally molded plastic handle assembly for a bucket, with no locking member or rigid locking member, and it is difficult to imagine how one could or why one would incorporate a rigid locking member or metallic locking member in the knob or handle portion of the bucket handle assembly of Jorgensen. Nor has

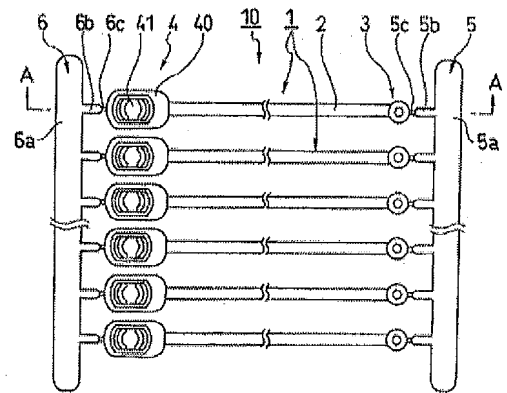
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the Examiner provided any reason or motivation for such a modification to the bucket handle of Jorgensen. Regardless, even if one were to incorporate a substantially rigid metallic locking member in some manner with the bucket handle of Jorgensen, such a combination still falls well short of disclosing or suggesting many of the other limitations present in the claimed invention, and such a modification of the bucket handle of Jorgensen still falls well short of establishing a *prima facie* case of obvious of the claimed invention. Reconsideration and withdrawal of the §103(a) rejections of claims 7, 9-11 and 33-38 is respectfully requested.

With respect to the rejection of claims 8 and 21-32 over Jorgensen, in view of Kubota, Applicants submit that neither Jorgensen nor Kubota, either alone or in combination with one another, disclose or suggest or render obvious the presently claimed invention for at least the reasons set forth above.

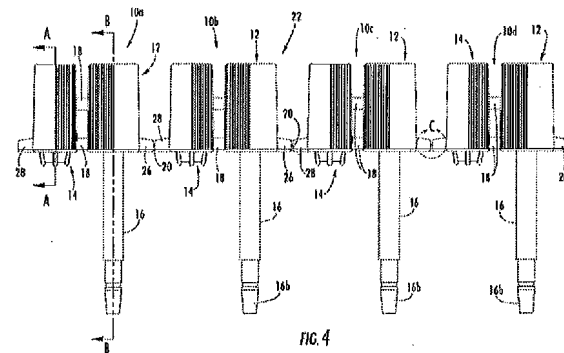
With respect to the rejection of independent claim 21, Applicants submit the Jorgensen, either alone or in combination with Kubota or any other cited art of record, does not disclose or suggest or render obvious the series of locking devices of the presently claimed invention. As discussed above, Jorgensen merely discloses an all plastic bucket handle designed for attachment to opposite sides of a bucket. As discussed in the previous response, Kubota merely discloses a fastener assembly that has a plurality of fasteners, with each fastener attaching at one end to a first joint member or rod that extends along one end and connects to the one end of a series of plastic fasteners and attaching at another end to a second joint member or rod that extends along the other end and connects to the other end of the series of plastic fasteners. As can be seen in Figure 1 of Kubota (reproduced to the right), the fasteners 1 are each connected at one end 4 to rod 6 and at the other end 3 to rod 5. Each fastener is thus individually attached to and separated from the pair of rods and there is no separation of one end piece from another end piece of a respective fastener. Moreover, Kubota teaches away from such a configuration by teaching that each of the fasteners are

The diagram illustrates a fastener assembly. On the left, a vertical rod labeled 6 is shown. On the right, a vertical rod labeled 5 is shown. A series of horizontal rods, labeled 1, connect the two vertical rods. Each horizontal rod 1 has a fastener 4 at its left end, which is attached to rod 6, and a fastener 3 at its right end, which is attached to rod 5. The fasteners 4 and 3 are shown as circular components with internal threads or pins. The horizontal rods 1 are shown as a series of segments, with break lines indicating they are longer than shown. The entire assembly is labeled 10. Other labels include 6a, 6b, 6c, 41, 40, 2, 3c, and 5b, which point to various components and features of the assembly.



single unitary plastic fasteners, and thus are not two end pieces joined together by a frangible element as claimed herein.

This is in stark contrast to the presently claimed invention of independent claim 21, which includes locking devices connected in series via a plurality of second frangible portions with each locking device comprising a pair of end pieces joined together by a first frangible portion. For example, and as shown in Figure 4 of the present application (reproduced to the right), each pair of locking devices 10a-d is joined to another pair of locking devices via at least one second frangible portion 20, while each first end piece 12 (having a metallic locking member 16 extending therefrom) of a particular locking device is joined to a respective second end piece 14 of that locking device via at least one first frangible portion 18. Thus, a single locking device (10a, 10b, 10c or 10d) can be readily removed from the series of locking devices by breaking at least one of the second frangible portions 20 and the end pieces 12, 14 of that locking device can be separated by breaking a respective first frangible portion 18 for application and use of that locking device. To the contrary, Kubota teaches breaking of two frangible portions to remove a single unitary all plastic fastener from the support rods.



Further, there is no disclosure or suggestion in either Jorgensen or Kubota of, for example, a metallic locking member extending from a first end piece of each locking device in the series. Nor is there any disclosure or suggestion in either Jorgensen or Kubota of, for example, first end pieces formed at least partially around an end portion of respective ones of the metallic locking members with a locking portion of the metallic locking member extending from the respective first end piece. Nor is there any disclosure or suggestion in either Jorgensen or Kubota of, for example, a pair of first and second end pieces and the respective metallic locking member comprising a locking device, with each of the locking devices being separable from the series via breaking of at least one second frangible portion between respective pairs of end pieces. Nor is there any disclosure or suggestion in either Jorgensen or Kubota of, for example, a second end piece of a separated locking device being separable from a first end piece of the separated

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locking device and configured to attach to the locking portion of the metallic locking member when the first and second end pieces are separated and when the metallic locking member is inserted through an object to lock the locking device to the object.

Thus, Applicants submit that the combination of Jorgensen and Kubota does not disclose, suggest or render obvious the series of locking devices of the presently claimed invention, particularly as set forth in independent claim 21. With respect to the rejection of dependent claims 22-32, Applicants submit that Jorgensen and Kubota do not disclose, suggest or render obvious the claimed invention of these claims for at least the reasons set forth above.

Accordingly, Applicants respectfully submit that neither Jorgensen nor Kubota, either alone or in combination with one another or with any other prior art of record, discloses, teaches, suggests, anticipates or renders obvious the locking device or series of locking devices of the present invention, particularly as set forth in independent claims 1, 21 and 33 and in the claims depending therefrom. Thus, Applicants respectfully submit that Jorgensen and/or Kubota, either alone or in combination with any other prior art reference of record, do not disclose or suggest or anticipate or render obvious to one of ordinary skill in the art the combination of features that collectively and combined together constitute the claimed subject matter of the locking device or series of locking devices as set forth in claims 1-11 and 21-38. Reconsideration and withdrawal of the rejections of claims 1-11 and 21-38 is respectfully requested.

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Claims 1-11 and 21-38 are pending in the application. Applicants respectfully submit that claims 1-11 and 21-38 are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

ERIK K. HAMILTON ET AL.

By: Van Dyke, Gardner, Linn & Burkhardt, LLP

Date: November 15, 2010.

A handwritten signature in black ink, appearing to read "Timothy A. Flory", is written over a horizontal line.

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